

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	
vs.)	No. 02-0001-02-CR-W-FJG
Benito Maldonado-Soto,)	
)	
Defendant.)	

ORDER

Pending before this Court's defendant's motion to modify sentence (Doc. #125), filed June 12, 2006. Defendant was found guilty by a jury on April 16, 2002. A sentencing hearing was held on July 17, 2002, and a judgment and commitment order entered July 19, 2002.

The Court has reviewed defendant's motion (Doc. #125) and the government's response (Doc. #126), filed July 21, 2006, and finds that defendant's motion is without merit. The government's opposition (Docs. #126) presents a thorough legal analysis of the issue raised by movant. This Court adopts and incorporates by reference herein that analysis as its own.

For the aforesaid reasons defendant's motion to modify sentence (Doc. #125), filed June 12, 2006, is denied.

No evidentiary hearing will be held in this matter because the issues raised are resolvable by the record.

/s/Fernando J. Gaitan, Jr.
United States District Judge

Dated: August 15, 2006
Kansas City, Missouri